

Please type a plus sign (+) inside this box →

03-27-02

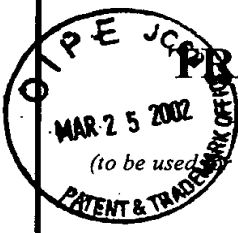
3739

PTO/SB/21 (6-99)

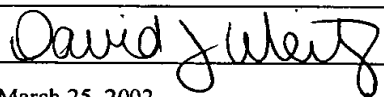
Approved for use through 09/30/2000. OMB 0651-0031


Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

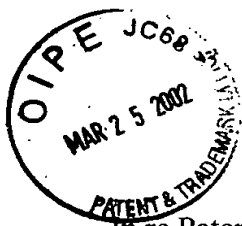
 TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/731,686
		Filing Date	December 5, 2000
		First Named Inventor	Casscells
		Group/Art Unit	3739
		Examiner Name	R. Kearney
Total Number of Pages in This Submission	3	Attorney Docket Number	17616-845

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED MAR 28 2002 3700 MAIL ROOM </div>
Remarks The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper, and to credit any overpayment to Deposit Account No. 23-2415.		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm or Individual name	David J. Weitz, Reg. No. 38,362, WILSON SONSINI GOODRICH & ROSATI		
Signature			
Date	March 25, 2002	Customer Number:	021971

CERTIFICATE OF EXPRESS MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Commissioner for Patents, Washington, D.C. 20231, on this date: March 25, 2002			
<div style="border: 1px solid black; padding: 2px;">Express Mail Label EL 757 546 013 US</div>			
Typed or printed name	Annette Palladino		
Signature		Date	March 25, 2002

Burden Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



Attorney Docket No. 17616-845

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	PATENT APPLICATION
)	
Casscells, et al.)	Group Art Unit: 3739
)	
Application No.: 09/731,686)	
)	
Filed: December 5, 2000)	Examiner: R. Kearney
)	
Title: Electrocauterizing Tool for Orthopedic)	
Shave Devices)	
)	

6
D/C
4/1/02

RECEIVED
MAR 28 2002
TC 3700 MAIL ROOM

RESPONSE TO RESTRICTION AS TO SPECIES

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to Examiner's Restriction Requirement mailed March 11, 2002, Applicants respectfully request reconsideration of the above-referenced application in view of the following election and remarks.

The Examiner has issued a restriction requirement alleging that the application claims 14 distinct species.

Claim 1 was indicated as being generic by the Examiner.

Applicants note that claims 3, 4, 7-10, 13, 20, 24-27, 37, and 38 are also considered to be generic since these claims do not belong to any species identified by the Examiner in the Restriction Requirement. Rather, these claims may be used with more than one of the restricted species.

Pursuant to 37 C.F.R. § 1.142, Applicants elect Species 1 directed to Figures 1a and 2a as identified by the Examiner in the Restriction Requirement. Claims 18 and 35 are directed to this species.

Claims 11, 12, 14, 15-17, and 28-34 are withdrawn as being directed to the non-elected species pursuant to 37 C.F.R. 1.142(b). However, Applicants reserve the right pursuant to 37 C.F.R. § 1.141 to pursue claims to the non-elected species in this application in the event that a generic claim is found to be allowable.

Applicants also reserve the right pursuant to 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected species during the pendency of the present application.

CONCLUSION

Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Date: March 25, 2002 By

David J. Weitz

David J. Weitz, Reg. No. 38,362

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300